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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4957 OF 2006

Ashok Tukaram Kamble and anr. ... Petitioners

Versus

The State of Maharashtra and Ors.... Respondents

Mr. G.M. Savagave for Petitioner.

Mr. C.R. Sonawane, A.G.P. for Respondents.

CORAM: F.I. REBELLO &
S.J. VAZIFDAR,JJ.
DATED: FEBRUARY 09, 2007

P.C.:

. According to Petitioner, he is unpaid candidate. The second issue has come before the M.A.T. The counsel for the Petitioner points out that the M.A.T. has taken a decision that those unpaid candidates who have completed 10 years of service as on 30.11.1995 were to be absorbed in the Government service. In so far as others are concerned, they would apply for regular selection as and when vacancies arise. The Petitioners were appointed on 1.7.1991 and 5.4.1995. In other words, they are not entitled for the benefit of the order passed by the M.A.T. The case of the petitioner is that the Government is not constituting selection board. The decision whether to recruit more candidates or not is purely an administrative affair. The courts would not issue any writs or directions directing

the respondent state to make appointment if in the opinion of State they have sufficient number of candidates or they do not propose to fill in the post. The law now as declared by the Supreme Court is that the courts cannot issue directions to respondents authorities either to regularise temporary employees into regular employees or to absorb them into the service dehors the rules. Considering that in our opinion, the petition is misplaced.

. It is the case of the Petitioners that they are handicapped persons and petition in respect of handicapped persons is pending. That issue is distinct and different. If that petition is allowed, it will be open to the Petitioners to take benefit of the orders passed in that petition. With the above observations, Petition disposed of. No order as costs.

(S.J. VAZIFDAR,J.) **(F.I.REBELLO,J.)**